

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

DEPUTY CLERK

Plaintiff,

**VS.**

UNITED STATES OF AMERICA.

Defendant.

CIVIL ACTION NO. \_\_\_\_\_

**3 - 10 CV - 691 - F**

TO THE HONORABLE JUDGE:

Plaintiff, Cathryn Ambrose, Individually and as Representative of the Estate of Steven Harry Ambrose, Deceased, and as Next Friend for Emma Ambrose, a Minor, files the following Civil Complaint against the United States Department of Veteran Affairs:

1.1 This is a Federal Tort Claims Act claim filed pursuant to Title 28 U.S.C., Sections 1346(b), 1402(b), 2401(b), and 2671-2680.

1.2 An administrative claim was filed and denied on October 28, 2009.

## **II. PARTIES**

- 2.1 Plaintiff is a resident of Kaufman County, Texas.
- 2.2 Defendant is United States of America.

## **III. CAUSE OF ACTION**

3.1 This is a medical negligence cause of action and the Plaintiff has complied with all Texas statutory notice provisions of CPRC § 74.051.

3.2 This action is brought pursuant to § 71.001, Tex. Civ. Prac. & Rem. Code, commonly referred to as the "Texas Wrongful Death Act," and § 71.021, Tex. Civ. Prac. & Rem. Code, commonly referred to as the "Survival Statute." Plaintiff is a representative of the Estate of Steven Harry Ambrose, Dec'd, is the surviving spouse of Steven Harry Ambrose, Dec'd, and is the parent of Emma Ambrose, a minor.

3.3 There was no property owned by Steven Harry Ambrose, Dec'd, which warrants the legal establishment of an estate through the probate courts.

## **IV. AGENCY**

4.1 At all times material herein, the Defendant operated the United States Department of Veterans Affairs, which in turn owned and operated the Veterans Hospital of Dallas, located at 4500 S. Lancaster, Dallas, Texas 75216.

4.2 At all times material herein, the nurses, physicians, and employees who provided medical treatment to Steven Harry Ambrose, Dec'd, were acting as employees, agents and representatives of the Defendant.

## **V. FACTS**

5.1 Steven Harry Ambrose, Dec'd, was a United States veteran, suffering from post-

traumatic stress disorder and severe depression.

5.2 On March 10, 2008, Steven Harry Ambrose, Dec'd was admitted to the Veterans Hospital of Dallas as a result of an attempted suicide. He remained in the mental health facility until April 4, 2008, when he committed suicide while under the supervision, management and control of the Veterans Hospital of Dallas, its employees, agents and representatives.

## **VI. NEGLIGENCE**

6.1 Plaintiff alleges the medical treatment provided by the Veterans Hospital of Dallas, its employees, agents and representatives was negligently provided and was a proximate cause of the death of Steven Harry Ambrose, Dec'd.

## **VII. SURVIVAL DAMAGES**

7.1 As a result of the incident made the basis of this lawsuit, Steven Harry Ambrose, Dec'd, suffer physical pain and suffering, along with mental anguish, prior to his death. On his death, these damages survived to the Estate of Steven Harry Ambrose, Dec'd, to be inherited in accordance with the laws of decent and distribution in Texas.

7.2 In addition to the above and foregoing items of damage, the Plaintiff sues for the just and reasonable cost of funeral and burial expenses.

## **VIII. WRONGFUL DEATH DAMAGES**

8.1 By reason of the untimely death of Steven Harry Ambrose, Dec'd, Plaintiff and their minor daughter, Emma Ambrose, have been damaged in their own right for the loss of Steven Harry Ambrose, Dec'd. By reason of the negligent and wrongful acts made the basis of this lawsuit, Plaintiff and their minor daughter, Emma Ambrose, have suffered pecuniary loss resulting from the death of Steven Harry Ambrose, Dec'd, and have lost love, comfort, companionship and society they

would have received from Steven Harry Ambrose, Dec'd, had he lived. Furthermore, Plaintiff and their minor daughter, Emma Ambrose, have suffered mental anguish in the past and will suffer mental anguish in the future as a result of the death of Steven Harry Ambrose, Dec'd, and this suit is likewise maintained for the recovery of the just and reasonable damages owed to the Plaintiff and their minor daughter, Emma Ambrose, by reason of the wrongful death of Steven Harry Ambrose, Dec'd.

### IX. PRAYER

9.1 WHEREFORE, PREMISES CONSIDERED, Plaintiff prays that Defendant be cited to appear and answer herein and upon final hearing of this cause, Plaintiff have judgment against Defendants for damages described herein, for cost of suit, interest from the date of the incident and for such other relief to which Plaintiff may be justly entitled.

Respectfully submitted,



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